

REMARKS

Responsive to the restriction requirement set forth in the Office action, the claims of group I, claims 1, 2 and 6 are elected for examination.

Responsive to the election of species requirement set forth in the Office action, the polymer of Example 5a) (Br-substituted polymer) is elected as single disclosed species for initial examination.

This election and the restriction requirement are respectfully traversed.

The present invention is directed to polymers and block copolymers, compositions comprising them and a process for the preparation thereof. Hence, the technical features as set forth in claim 1 are common to Groups I, II and III.

Since the present application has been filed as a national application via the PCT route, the corresponding PCT provisions apply.

According to Rule 13.1 PCT *an international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").*

Rule 13.2 PCT is directed to the circumstances in which the requirement of unity of invention is to be considered fulfilled. It reads:

*Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.*

Applicants aver that there clearly is a technical relationship among the above inventions since they involve one or more of the same or corresponding technical features as laid down in the relevant PCT-provision (see the features of the claimed polymers and block copolymers). It is well established

jurisprudence within the PCT community that claims directed to a product and to the preparation and the use thereof are considered to fulfill the requirement of unity.

Certainly the invention of claim 4 has the same technical feature as the invention of claims 1,2 and 6. The addition of additives customary in polymer compositions to the claimed polymers and block copolymers is not a distinctive feature. The subject matter of claim 4 would clearly be obvious over the subject matter of claims 1, 2 and 6.

The Examiner raises the point that in compositions wherein another polymer or oligomer is added, the polymer of Group I (formula V) may lose its chemical identity due to, for example, crosslinking reactions between the two. But this argument is weakened by the clear fact that in the polymer or oligomer of the formula IX the definitions of the polymer blocks A and B and the values of x and y are identical with the definitions in polymer or oligomer of the formula V. Hence, in the event of a reaction or crosslinking, a polymer or oligomer would be generated that would still fall within the scope of the definitions of the polymer of the formula V. There is no loss of chemical identity. This clearly justifies the inclusion of the invention of claim 5 within Group I.

According to the PCT, the unity of an invention can be assessed prior to (*a priori*) or after consideration of the prior art (*a posteriori*). In the present case the International Searching Authority as well as the International Preliminary Examining Authority have acknowledged the unity of the present invention *a priori* as well as *a posteriori*.

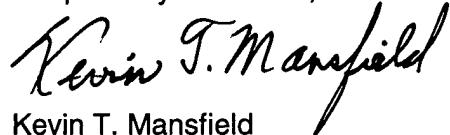
For all of the above reasons, reconsideration and withdrawal of the restriction requirement is respectfully solicited.

On finding claims directed to the elected polymer to be allowable, withdrawal of the election requirement and consideration of the patentability of the remainder of the invention is therefore respectfully solicited.

An examination on the merits of all the claims is respectfully awaited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Kevin T. Mansfield  
Agent for Applicants  
Reg. No. 31,635

Ciba Specialty Chemicals Corporation  
Patent Department  
540 White Plains Road  
P.O. Box 2005  
Tarrytown, NY 10591-9005  
(914) 785-7127  
KTM21960AR

**DEC 20 2002**